

UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF WEST VIRGINIA

FILED

OCT 14 2010

IN THE MATTER OF THE SEARCH OF
KATHERINE A. HOOVER'S RESIDENCE,
LOST CREEK, HARRISON COUNTY,
WEST VIRGINIA

U.S. DISTRICT COURT
CLARKSBURG, WV 26301

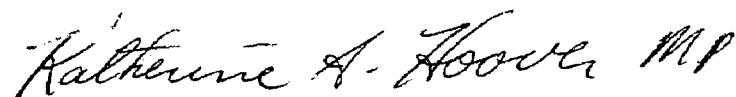
CASE NO. 1:10MJ9

MOTION TO RECUSE JUDGE JAMES E. SEIBERT

NOW COMES Katherine A. Hoover MD, pro se, and requests that Judge James E. Seibert recuse himself from any further dealings with this case. Recusal is necessary under 28 USC S 455 (a).

Under 28 USC S 455 any perception of bias is adequate grounds for recusal. Magistrate Judge James E. Seibert signed a search and seizure warrant based on a false affidavit causing serious harm to Dr. Katherine Hoover and to her family, John F. Tomasic and Stephen J. Tomasic. Magistrate Judge James E. Seibert lacked subject matter jurisdiction over Dr. Hoover as has been demonstrated in the Motion for Summary Judgment and the Addendum to this Motion. No response to the Motion for Summary Judgment has been filed. Therefore, Judge Seibert lacks jurisdiction and must recuse himself. Judge Seibert is required to recuse himself if a "reasonable person would believe that he is unable to be impartial." *Yagman v. Republic Insurance* 987 F. 2d 622. Since Judge Seibert would have to Grant default judgment on his actions that fell outside subject matter jurisdiction for his court, any reasonable person would believe that he would be unable to be impartial. If a judge is partial, there is no justice.

Respectfully submitted,



Katherine A. Hoover MD
c/o Dr. Norman Gay
N-3222
247 West Bay Street
Nassau, N.P., Bahamas
242-525-4018

UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF WEST VIRGINIA

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AND SEIZURE OF KATHERINE A. HOOVER'S
RESIDENCE, LOST CREEK,
HARRISON COUNTY,
WEST VIRGINIA

CASE NO. 1:10MJ 9

CERTIFICATE OF SERVICE

I, KATHERINE A. HOOVER MD, do hereby certify that a true and correct copy of the foregoing Motion to Recuse Judge James E. Seibert and the Motion for Default Judgment have been sent to the US Attorney for the Northern District of West Virginia on October 14, 2010 via fax to 304-234-0113.

Katherine A. Hoover MD
Katherine A. Hoover MD
c/o Dr. Norman Gay
N-3222
247 West Bay Street
Nassau, N.P., Bahamas